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Kentucky Chief Justice removes Judge Olu Stevens from handling criminal trial

Jan 11, 2016

LOUISVILLE, Ky. (WDRB) – Embattled Jefferson Circuit Court Judge Olu Stevens has once again been removed from handling a criminal trial that was set to begin on Tuesday.

On Monday, at the request of prosecutors, Kentucky Chief Justice John Minton disqualified Stevens from presiding over the burglary and theft trial of Tracy Anthony.

Minton ordered Chief Jefferson Circuit Court Judge Charles Cunningham to appoint a special judge to handle Anthony's trial, finding that prosecutors had "demonstrated disqualifying circumstances."

Jefferson Commonwealth's Attorney Tom Wine filed a motion last week claiming Stevens would not provide a fair trial given the statements he has made about Wine and other prosecutors regarding the race of juries.

Wine had asked the Kentucky Supreme Court to decide whether Stevens has the authority to dismiss juries for having too few black members, as the judge has done twice. The state Judicial Conduct Commission is

investigating Stevens, in part, for insinuating on Facebook that Wine is racist and wanted “all-white juries.”

While prosecutors have repeatedly made requests to remove Stevens from handling criminal cases, this is the first time since November that Minton has ordered he be disqualified.

As part of the most recent request, Wine cited recent "additional information that seems to confirm the depth of Judge Stevens’ extreme distaste for my office and our actions in pursuing legitimate and constitutional and statutory remedies."

And Wine claimed prosecutors had heard from victims -- including those in the Anthony case -- concerned that Stevens would not give them a fair trial.

Among the new information included in the motion is a Nov. 12 presentation Stevens gave at a Louisville Bar Association event in which the judge repeatedly criticized Wine for taking the jury issue to the Supreme Court.

“He impugned my motives,” Wine wrote of the speech, which he first saw on Dec. 23. “He announced that I would live in infamy. … He said that I was impeding progress and compared me with those who stood in doorways of schools to prevent desegregation. His speech was grandiose, exaggerated, and acrimonious."

Also, according to the motion, Stevens called himself a "community activist" and said that he was "screaming from the mountaintops" about this issue.

Given the statements, Wine said “there is no question in my mind that his negative opinions and attitude toward me and those who serve as my agents must be intensified and will – if not intentionally, subconsciously – infect his handling of this case.”

Asked on Monday if his office would request Minton to remove Stevens from all criminal trials, Wine would only say that prosecutors would look at it on a "case by case basis."

Prosecutors have repeatedly asked Stevens to recuse himself from criminal cases, arguing comments he has made on Facebook about Wine regarding the race of jurors shows bias. Stevens has refused to recuse himself.

Last month, Minton denied a request to disqualify Stevens from criminal cases, saying it was way beyond the scope of his responsibility and, if granted, would essentially amount to removing Stevens from the bench.

Minton harshly criticized Stevens but referred the request to the Judicial Conduct Commission for possible

disciplinary action.

It is unknown when the commission will rule on whether Stevens has violated the code of judicial conduct.

Stevens' Facebook postings came after a WDRB story in October reporting that Wine had asked the state Supreme Court to determine whether the judge was abusing his power by dismissing a jury because he felt it was lacking enough black people.

Stevens has written on Facebook that Wine was going to the Kentucky Supreme Court to "protect the right to impanel all-white juries" and that "is not what we need to be in 2015. Do not sit silently. Stand up. Speak up."

In October, Stevens halted a drug trial and dismissed the entire jury panel, asking for a new group to be sent up because the potential jurors were "not representative of the community."

And on Nov. 18, 2014, after a 13-member jury chosen for a theft trial ended up with no black jurors, Stevens found it "troublesome" and dismissed the panel at the request of a defense attorney.

"There is not a single African-American on this jury and (the defendant) is an African-American man," Stevens said, according to a video of the trial. "I cannot in good conscience go forward with this jury."

The high court has agreed to hear arguments.

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